

REMARKS

By this Amendment, claims 1 and 22 have been amended, claim 21 has been cancelled, and claims 28-44 have been added. Each of the new and amended claims are fully supported by the originally filed application, thus, no new matter has been added by this Amendment.

In a Response to Restriction Requirement dated July 20, 2004, Applicants requested that claims 4, 10-12, 15, 19-21, and 23-27 be withdrawn from consideration. In the Office Action dated August 19, 2004, the Examiner, however, also withdrew claims 5, 7, and 18 from consideration, yet considered claim 21. Applicants do not necessarily agree with the Examiner's current characterizations and assertions regarding Applicants' claims, and Applicants reserve the right to argue the distinctness or lack of distinctness of the claims and asserted species at a later time. Nonetheless, to expedite prosecution, Applicants will move forward in accordance with the Examiner's identification of claims drawn to the elected species.

Applicants appreciate the Examiner's indication that original dependent claim 21 (now cancelled) includes allowable subject matter. Applicants have, thus, amended independent claim 1 to include the recitations of original claim 21. Accordingly, amended claim 1 is now in condition for allowance.

Claims 2-20 and 44 depend directly or indirectly from independent claim 1, and are therefore allowable for at least the same reasons stated above with regard to claim

1. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable. Though some of these dependent claims have been withdrawn, Applicants request consideration of the withdrawn claims based on the allowability of claim 1.

In addition, amended claim 22 has been rewritten in independent form to include all the recitations of original claim 1 based on the Examiner's indication that claim 22 includes allowable subject matter. Thus, amended claim 22 is now in condition for allowance.

New claims 28-35 depend directly or indirectly from amended independent claim 22, and are therefore allowable for at least the same reasons stated above with regard to claim 22. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable¹.

New independent claim 36 requires, among other things, a device having a plurality of interconnected loops, wherein adjacent interconnected loops are moveable along each of an X, Y, and Z orthogonal axis relative to each other at least during

¹ Applicants do not necessarily agree with the Examiner's characterization of the prior art and statement of reasons for indication of allowable subject matter on page 3, section 3, of the Office Action. For example, the Examiner asserts that the "prior art fails to disclose such a device with end pieces that are spherical and have a larger cross section than the body portion." Each of amended claims 1 and 22, however, does not recite this combination of features. Instead, each claim is patentable due to its unique combination of elements not found in the prior art.

deployment of the device in a body canal. Support for these recitations can be found in at least FIGS. 1, 2, 4A, and 4B, and in paragraphs 48-50 of Applicants' application. As explained in the application, in an embodiment, a loop moves "in a direction along the X, Y, or Z axis or a combination of any of the three axes within the confines of the opening 31 of an adjacent loop 33." (Application, page 10, paragraph 48.) It is understood from at least FIGS. 1, 2, 4A, and 4B that the loops are capable of such relative movement during deployment of the device as well as during implantation in the body canal.

Camrud, on the other hand, does not disclose or suggest adjacent interconnected loops that are moveable relative to each other along each of an X, Y, and Z orthogonal axis at least during deployment of the device in a body canal. In the rejection, the Examiner specifically points to the embodiments of FIGS. 6A-6C and 9A-9B. In the embodiment of FIGS. 6A-6C, the multi-section stent of Camrud includes a breakable connection structure in which a degradable or physically breakable material 98 fortifies the interlocking links 94, 96 of the stent. The material 98 fortifies the interlock at the regions 100, 102, 104 at which links 94, 96 overlap, preventing relative movement between links 94, 96, and maintains the stent sections fixed relative to one another. (Camrud, column 9, lines 45-57.)

The embodiment shown in FIGS. 9A and 9B of Camrud includes loops 126 that are sized to permit the sections 128, 130, 132 of the device to move back and forth in a longitudinal or tilting direction relative to one another and are preferably "sized small

enough to limit axial tumbling of rings . . . within the body lumen." (Camrud, column 10, lines 43-45.) As shown in FIGS. 9A and 9B, the openings in loops 126 are sized so as to not permit movement relative to an adjacent connected section 128, 130, 132 in each of the X, Y, and Z orthogonal axes. Instead, the relative movement is limited to along, at most, two axes.

Thus, since Camrud does not disclose or suggest, among other things, a device having a plurality of interconnected loops, wherein adjacent interconnected loops are moveable along each of an X, Y, and Z orthogonal axis relative to each other at least during deployment of the device in a body canal, claim 36 is allowable.

New claims 37-43 depend directly or indirectly from amended independent claim 36, and are therefore allowable for at least the same reasons stated above with regard to claim 36. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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